

Application No. 09/905,396

REMARKS

In the application claims 1-33 and 35 remain pending. Claims 34 and 36-55 have been canceled as being directed to a non-elected claim group.

The reconsideration of the rejection of the claims is respectfully requested.

In the Office Action of September 21, 2004 claims 1, 3-21, 26-30 and 35 were rejected under 35 U.S.C. § 101. In response to this rejection, it is respectfully submitted that it is well settled that claims directed to a computer-readable media having computer-executable instructions or a computer data signal embodied in a transmission medium are claims that recite definite physical characteristics and, as such, fall within the requirements of 35 U.S.C. § 101. See *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). By way of example, also see U.S. Patent No. 6,766,001, claim 21. Since all of the claims pending comply with the requirements of 35 U.S.C. § 101, this rejection of the claims must be withdrawn.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102 as being anticipated by Narin (U.S. Published Application No. 2002/0091755). Claims 3-5, 6-8, 9-11, 12-25 and 35 stand rejected under 35 U.S.C. § 102 as being anticipated by Allport (U.S. Patent No. 6,104,334). Claims 26-33 stand rejected under 35 U.S.C. § 102 as being anticipated by Matthews (U.S. Patent No. 6,025,837).

In response to these rejections of the claims it is respectfully submitted that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). To be "inherently" described in a prior art reference, the prior art reference "must make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill." Inherency "may not be established by probabilities or

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possibilities." The mere fact that a certain thing may result from a given set of circumstances is not sufficient. See *Continental Can Co. USA v. Monsanto Co.*, 948 F.3d 1264, 20 USPQ2d 1746 (Fed. Cir. 1991).

Considering now Narin, Narin discloses a system in which Web pages are retrieved by sending an HTTP request to an Internet server. As described in Narin at Para. 35, an HTTP request sent for the purpose of retrieving a Web page generally includes an initial request line, a header and value pair, a blank line, and a message body. As further described in Narin at Para. 45 (which was cited to in the Office Action), *the header in the HTTP request sent to the Internet server for the purpose of retrieving a Web page* may also include other information such as an identification of the size or dimensions of a graphical display area used to display the requested Web page which information is useful to the server computing device in determining which Web page to send in response to the request. Narin (and Para. 45 in particular), does not, however, describe including anything within the Web page (let alone a full screen statement) that is sent in response to the HTTP request.

Since Narin discloses nothing more than including information in an HTTP request sent to an Internet server which information is used by the Internet server to determine which Web page to retrieve for transmission to the request issuing computer, it is submitted that Narin does not disclose the elements set forth in claims 1 or 2. In this regard, Narin does not disclose retrieving a Web page and then determining if the retrieved Web page includes a full screen statement or displaying information as a full-screen within a display if the retrieved Web page is determined to include a full screen statement. Narin also does not disclose a browser application that is responsive to a full screen statement within a retrieved Web page. For this reason, the rejection of claims 1 and 2 must be withdrawn.

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Turning now to Allport and considering the rejection of claims 3-5, 6-8, 9-11, 12-25, and 35, Allport discloses a remote control having a graphical user interface and a touch screen (Col. 27, lines 4-5). In response to a user interacting with the touch screen, an infrared code may be emitted from the remote control. Furthermore, Allport does describe that screen layouts may be provided using HTML pages. (Col. 24, lines 35-44). However, as expressly described in Allport, "the HTML format will only be used for defining the look of the screens." (Col. 24, lines 40-44, emphasis added).

Since Allport suggests that the HTML screen layout only defines the look of the GUI, the HTML screen elements of the Allport HTML GUI cannot be said to "inherently" have each and every element recited in the claims as has been suggested in the Office Action. In Allport, the HTML page itself does not define what infrared code is transmitted from the remote control. Rather, what infrared code is transmitted from the remote control is determined by the current operating mode of the remote control and the X,Y coordinate of where the touch screen was activated, the HTML screen providing nothing more than labels (i.e., iconic pictures) to various X,Y locations of the touch screen. Thus, while Allport may disclose an HTML page having a tag that references a picture or other item to serve as a GUI label for the touch screen, nothing within Allport can be said to disclose, either expressly or inherently, an HTML page having a tag which also comprises a first data field containing information indicative of an infrared code to be transmitted (e.g., a pointer or data). Since Allport does not make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill and since "inherency may not be established by probabilities or possibilities," it is respectfully submitted that claims 3-5, 6-8, 9-11, 12-25, and 35 are allowable over Allport and the rejection of the claims must be withdrawn.

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Turning now to Matthews and considering the rejection of claims 26-33, Matthews discloses an EPG. A user may interact with the EPG to invoke some code to reference a target resource having information about a program listed in the EPG. Furthermore, a user may interact with the EPG to initiate a routine which will record the program when the program begins.

While Matthews does describe a system and method for automatically recording a program, Matthews does not describe, expressly or inherently, displaying a reminder notice in a display as set forth in the claims. Furthermore, to the extent that the Office Action appears to be taking the position that automatically tuning to a show is a "reminder notice," it is respectfully submitted the automatically tuning to a show cannot be said to be data in a tag of a mark-up language "representing a reminder notice" which is what is required by the claims to be displayed, i.e., automatically tuning to a show is not included as part of any mark-up language page disclosed in Matthews. Furthermore, it is submitted that automatically tuning to a show cannot be said to be a reminder notice in the form of a mark-up language page or a text label as set forth in claims 29 and 30, respectively. Thus, since Matthews cannot be said to disclose, expressly or inherently, a mark-up language page having a tag which also includes data representing a reminder notice that is displayed upon activation of a reminder function, claims 26-33 are allowable over Matthews and the rejection of the claims must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

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The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

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By: Gary R. Jarosik, Reg. No. 35,906
Greenberg Traurig, LLP
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
(312) 456-8449

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